

**REMARKS**

Entry of this amendment is proper under 37 C.F.R. § 1.116 because the amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration, because the amendments amplify issues previously discussed throughout prosecution; does not present any additional claims; and places the application in better form for an appeal should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment, reexamination and further and favorable consideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

As correctly stated in the Official Action, Claims 21-25, 27-34, and 45-47 are pending in the present application. Claims 46 and 47 stand withdrawn from consideration. Claims 21-25, 27-34, and 45 stand rejected.

By the present amendment, independent Claims 21, 22, 23, 24, 25 and 45 have been amended to recite "a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor." Support for these amendments can be found, at least, on page 3, lines 1-6 (feature (i)); page 6, lines 23-24 and page 7, lines 1-2 (feature (ii)); and page 7, lines 3-9 (for feature (iii)). Claim 29 has been amended to replace "comprising" with "being selected from the group consisting of." Claims 30 and 31 have been amended to replace

"comprising" with "consisting of." No new matter has been added. Applicants expressly reserve the right to file a continuation or divisional application on any subject matter canceled by the present amendment.

*Rejections Under 35 U.S.C. § 103(a)*

Claims 21-25, 27-34, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Carson et al. (WO 99/047047) and Waterhouse et al. (*Phytochemistry* 37(2):571-573 (1994)). The Examiner argues that Carson et al. disclose that resveratrol is useful in a method of inhibiting the proliferation of keratinocytes and stimulating their differentiation and improving skin. Further, the Examiner asserts that Carson et al. disclose that compositions containing grape extracts are known in the art. Waterhouse et al. allegedly disclose that resveratrol and piceid (a glycosylated hydroxystilbene) are found in grape extract. Thus, the Examiner concludes it would have been obvious to use grape extracts to treat and improve skin. This rejection, to the extent that it applies to the claims as amended, is respectfully traversed.

By the present amendment, independent Claims 21, 22, 23, 24, 25, and 45 have been amended to recite the application of a composition consisting of (i) at least one glycosylated hydroxystilbene compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor. Thus, the presently claimed invention does not encompass methods using compositions comprising non-glycosylated hydroxystilbenes as disclosed in the Carson et

al. and, in particular, grape extract comprising a non-glycosylated form of resveratrol as disclosed in the Waterhouse et al. publication.

Moreover, Applicants respectfully submit that the presently claimed invention conveys special advantages in using the glycosylated form of hydroxystilbenes for treating and improving the skin. As discussed in the specification on page 2, lines 21-25 and page 3, lines 1-6, Applicants have surprisingly found that glycosylated hydroxystilbenes can be converted in the skin or hair follicles to non-glycosylated hydroxystilbenes, which enables avoiding the disadvantages (*e.g.*, decreased solubility and stability) of applying non-glycosylated hydroxystilbenes directly.

Applicants respectfully submit that none of the cited publications either separately or in combination, discloses or suggests using glycosylated hydroxystilbenes as the active principle as in the presently claimed invention. Therefore, the cited publications cannot render the presently claimed invention obvious. Additionally, surprising results were obtained with the present invention supporting nonobviousness. Withdrawal of this rejection is respectfully requested.

#### *Conclusions*

From the foregoing, further and favorable action in the form of a Notice of Allowance is respectfully requested and such action is earnestly solicited.

In the event that there are any questions concerning this amendment or the application in general, the Examiner is respectfully requested to telephone the undersigned so that prosecution of the application may be expedited.

Respectfully submitted,

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**Attachment to REPLY & AMENDMENT dated April 4, 2003**

**Marked-up Claims 21-25, 29-31, and 45**

21. (Twice Amended) A method for combating signs of cutaneous aging or aging of the hair follicles of an individual subject in need of such treatment, comprising topically applying thereon, for a period of time sufficient to lessen the signs of cutaneous aging or aging of the hair follicles, a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives and (iii) a physiologically acceptable medium therefor.

22. (Twice Amended) A method for increasing the radiance of the skin of an individual subject in need of such treatment, comprising topically applying thereon, for a period of time sufficient to increase the radiance of the skin, a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor.

23. (Twice Amended) A method for smoothing the facial skin of an individual subject in need of such treatment, comprising topically applying thereon, for a period of time sufficient to elicit a smoothing effect on the facial skin, a composition consisting of (i)

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an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor.

24. (Twice Amended) A method for treating wrinkles or fine lines in the skin of an individual subject in need of such treatment, comprising topically applying thereon, for a period of time sufficient to lessen the appearance of wrinkles or fine lines in the skin, a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor.

25. (Twice Amended) A method for stimulating epidermal renewal in the skin of an individual subject in need of such treatment, comprising topically applying thereon, for a period of time sufficient to stimulate epidermal renewal in the skin, a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor.

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29. (Twice Amended) The method as defined by Claim 45, said at least one glucosylated hydroxystilbene compound [comprising] being selected from the group consisting of 3,4'-dihydroxystilbene-5-O-beta-glucoside; 3,5-dihydroxystilbene-4'-O-beta-glucoside; 4',5-dihydroxystilbene-3-O-beta-glucoside; 4'-hydroxystilbene-3,5-O-beta-diglucoside; 5-hydroxystilbene-3,4'-O-beta-diglucoside; 3-hydroxystilbene-4',5-O-beta-diglucoside; stilbene-3,4',5-O-beta-triglucoside; 4'-methoxy-3',5-stilbenediol-3-O-beta-glucoside; 3,5,4'-trihydroxystilbene-2-O-beta-glucoside; 3',4,5'-trihydroxystilbene-3-O-beta-glucoside; pinosylvin glucoside; 5-hydroxystilbene-3-O-beta-glucoside; 3-hydroxystilbene-5-O-beta-glucoside; and/or stilbene-3,5-O-beta-diglucoside.

30. (Twice Amended) The method as defined by Claim 45, said at least one glucosylated hydroxystilbene compound [comprising] consisting of the D optical isomer thereof.

31. (Twice Amended) The method as defined by Claim 45, said at least one glucosylated hydroxystilbene compound [comprising] consisting of an admixture of glucosylated hydroxystilbene compounds.

45. (Amended) A method for combating signs of cutaneous aging or aging of the hair follicles, for increasing the radiance of the skin, for smoothing the facial skin, for

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**Marked-up Claims 21-25, 29-31, and 45**

treating wrinkles or fine lines in the skin or for stimulating epidermal renewal in the skin of an individual subject in need of such treatment, comprising topically applying thereon for a period of time sufficient to lessen signs of cutaneous aging or aging of the hair follicles, to increase the radiance of the skin, to elicit a smoothing effect on the facial skin, to lessen the appearance of wrinkles or fine lines in the skin or to stimulate epidermal renewal in the skin, respectively, a composition consisting of (i) an effective amount of at least one glucosylated hydroxystilbene [compound or a composition comprising an effective amount of at least one glucosylated hydroxystilbene compound] compound as the active principle, (ii) one or more usual cosmetic or pharmaceutical additives, and (iii) a physiologically acceptable medium therefor.